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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
EMMA RODRIGUEZ SUAREZ,

14 CV 09380 (RA)

Plaintiff,

AFFIRMATION OF  
SCOTT M. RIEMER

-against-

STANDARD LIFE INSURANCE COMPANY  
OF NEW YORK,

ECF CASE

Defendant.

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SCOTT M. RIEMER, an attorney duly admitted to practice in the Courts of this State, does hereby affirm to be true under the penalties of perjury as follows:

1. I am counsel for Plaintiff Emma Rodriguez Suarez (“Rodriguez Suarez”) in the above-referenced action. I submit this affirmation in support of Rodriguez Suarez’ motion for summary judgment.

2. **Exhibit A** is a true and correct copy of the deposition transcript of the Benefits Review Specialist assigned to administer Rodriguez Suarez’ claim taken on September 3, 2015 (“9/3/15 Haworth Transcript”).

3. The 9/3/15 Haworth Transcript is being submitted directly to the Court, as opposed to electronic filing, because the transcript contains information defendant Standard Life Insurance Company of New York (“SLICNY”) asserts to be confidential pursuant to the August 3, 2015 protective order entered by Magistrate Judge Peck (Doc. 28). The 8/3/15 Protective Order, however, provides that: “The party who originally designated the documents ‘Confidential’ will bear

the burden of requesting that the designated documents be permitted to be filed under seal.” Here, SLICNY has the burden of overcoming the presumption in favor of public access to papers filed in the Court.

4. The entry of the 8/3/15 Protective Order does not equate to Standard’s assertion that the requested redactions are confidential. As Judge Haight explains, protective orders may be entered in an effort to move discovery along:

The inherent pressures of litigation will often provoke parties to consent to protective orders during discovery. Frequently, a party will agree to the opposing party’s request for a protective order so as to expedite the discovery process and reduce the cost of litigation. There are plainly many incentives for parties to agree to a protective order, while there are few incentives for parties to oppose one.

*Havens v. Metropolitan Life Ins. Co. (In re Akron Beacon Journal)*, 1995 U.S. Dist. LEXIS 5183, at \*36-27 (S.D.N.Y. April 20, 1995).

5. Plaintiff maintains that the 9/3/15 Haworth Transcript does not contain confidential and/or proprietary information. The proposed redactions were suggested by SLICNY, not plaintiff.

6. Attached hereto as **Exhibit B** is a true and correct copy of an E-Mail, dated September 11, 2015, from counsel for SLICNY, Mr. Magratten, informing the undersigned that Haworth is an employee of Standard Insurance Company, not SLICNY.

7. Attached hereto as **Exhibit C** is a true and correct copy of updated medical records and reports substantiating Rodriguez Suarez’ persisting symptoms, including extensive workups confirming her malfunctioning intracranial shunt, and brain surgery at Johns Hopkins.

8. Attached hereto as **Exhibit D** is a true and correct copy of the report by Christopher Edelmann, M.D., dated October 15, 2015, where he provides a summary of Rodriguez Suarez’ continued treatment, additional testing, necessary brain surgery at Johns Hopkins, and resultant complications due to her medical conditions.

9. Attached hereto as **Exhibit E** is a true and correct copy of the Vocational Analysis of Amy P. Leopold, MS, CRC, dated February 12, 2015, confirming Rodriguez Suarez' inability to perform any occupation, including the sedentary occupations identified by SLICNY.

10. Attached hereto as **Exhibit F** is a true and correct copy of the Affidavit of Emma Rodriguez Suarez, dated October 27, 2015, where she details her limited ability to travel with extensive accommodations. Rodriguez Suarez additionally provides examples of the accommodations she required on her flight to her hometown in Spain (e.g., wheelchair; business class seats).

11. **Exhibit G** is a true and correct copy of SLICNY's Supplemental Answers to Plaintiff's First Set of Interrogatories, dated August 11, 2015, which provides statistics of: (1) the number of times that SLICNY retains Dr. Topper and MES to complete medical reviews; and (2) how much SLICNY compensates Dr. Topper and MES for services related to the medical reviews.

12. Exhibit G is being submitted directly to the Court, as opposed to electronic filing, because the document contains information SLICNY asserts to be confidential. See, para. 3, *supra*. Plaintiff maintains that Exhibit G does not contain confidential and/or proprietary information.

13. Attached hereto as **Exhibit H** are true and correct copies of Rodriguez Suarez' pictures before and after she underwent her brain surgery at Johns Hopkins on October 15, 2014.

WHEREFORE, Rodriguez Suarez' motion should be granted in its entirety.

Dated: New York, New York  
October 30, 2015

/s/Scott M. Riemer  
SCOTT M. RIEMER (SR5005)

CERTIFICATE OF SERVICE

I certify that I am attorney for Plaintiff and that on October 30, 2015, I caused to be served by E-mail and ECF a true and correct copy of the AFFIRMATION OF SCOTT M. RIEMER IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT to the following:

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Dated: New York, New York  
October 30, 2015

/s/ Scott M. Riemer  
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